80-6834

FILED
JUN 10 1981
Alexander L. Stevas, Clerk

RECEIVED
MAY 26 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

No.

LYLE H. PRENZLER,

Plaintiff, Appellant,

vs.

R. KEITH PIKE, ET AL.,

Defendants, Appellees.

JURISDICTIONAL STATEMENT

QUESTIONS PRESENTED

1. Was the confusion as to payment of filing fees on appeal an excusable mistake and therefore eligible under Rule 60 for Motion for Relief from Judgment?
2. Was the error of Court of Appeal dismissing for failure to pay docket fees when such had been paid a result of denial of consolidation of the multitude of actions where common findings of fact and law; Rule 42 (a), or multiple vexations brought regardless of merit and no liability of Appellant entitles to eligibility under Interpleader Rule 22 (1,2) and 28 USC 2361,1335,1397; thereby increasing the possiblity of error and the possiblity that one action might be lost by Appellant destroying any redress he might have?
3. Was the duty in Arabia an entitlement to Sec 573 under 50 USC 510-590; and by such duty where no certified checks obtainable and delay of mail service increased difficulty of filing this action where redress is deserved and case meritorious?
4. In view of void judgment for above reasons; is Appellant entitled to fairness of hearing, notification, consolidation and injunction interpleader and collusive joinder 28 USC 1359?

LIST OF ALL PARTIES

Parties herein are an M.D. new to citrus, who was sued by Appellees for a Sister State Money Judgment CCP 1710.10-1710.65; as an assignment from a resident of Pennsylvania who had misrepresented the sale of a citrus ranch in 1970 to Appellant; and the

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same misrepresentation was made to buyer from Appellant 3 years later and rescinded an exorbitant amount for citrus case when he stood to lose on crop and had had a full time ranch evaluator for Equitable Life evaluate following sale. Involved are collusive joinder to bring in federal court by conspiracy of attorneys and others above named when no diversity; when not all parties from Arizona and said Assignor from Pennsylvania would not allow bringing suit in Arizona prior to assignement; and by its pendency and related character to within other actions, cannot be determined in absence of indispensable parties Rule 17 including the broker who was not joined because of lack of diversity and who attorney purchaser from Appellant did not believe he could defeat in Arizona; using the absolute unfairness of trapping Appellant into jurisdiction in Arizona where he has no relevancy and no familiarity with Attorneys and less than arms length familiarity with judges; and pursuant to interpleader could only be brought where not all defendants from same state; has to be venue in California; no liability to Appellant and injunctive relief, consolidation, and interpleader rights refused increasing the possibility of such an excusable mistake as herein; by the multiplicity of filing fees and other procedural routine; not substantive. Dismissal for lack of jurisdiction under 28 USC 1359, 15 USC 1-15,77,78 is mandatory; unless all parties are joined, consolidation, venue. All actions herein have been listed with Court Appeals and District Court.

JURISDICTION

This appeal is filed and these proceedinos are instituted under 28 USC 1402(a)(1); 18 USC 1252; 28 USC 2101(c); Notice of Appeal to this Court not conformed or returned by 9th Circuit (March 23, 1981); and Order of May 9 1981 and Apr 22 1981 appealed the second Notice of Appeal latter filed today. Jurisdiction also under 28 USC 1359,2361, 1335,1397,1343;42 USC 1983,1985,1986; 18 USC 241,242; 15 USC 1-15, 77,78; and 50 USC 510-590.

The cases believed to sustain the jurisdiction are:

1. Steuart v Matthews 329 F2d 234;
2. Western Union v Commonwealth Pennsylvania 368 US 71;

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3. Lesnik v Public Inuds. Corp. 144 F2d 968;

4. State Farm v Tashire 386 US 523;

5. Jones v Andrews 77 US 327;

6. Aerojet Genl Corp v Am Arbit Assn 478 F2d 248;

There is minimal diversity and ancillary jurisdiction, injunctive right

INVOLVED CONSTITUTIONAL PROVISIONS
AND STATUTES

FIFTH AMENDMENT,

Not be deprived of life, liberty, or property without due process of law.

Nor shall any person be subject for same offense be twice put in jeopardy of life or limb US v. Golman 352 F2d 263;

FIRST AMENDMENT

Congress shall make no law abridging the freedom of speech, or of the pres or the right ofpeople to assemble and to petition the government for redress of grievances.

STATEMENT OF REASONS QUESTIONS SUBSTANTIAL

The cited statutes and cases confirm that by denial of consolidation, injunction and interpleader; in this and ancillary actions there has been unnecessary costs and delay and error such as non credit for payment of filing of appeals herein. Without the assignment of the chose in action there would have been no jurisdiction herein if the assignor had brought the action in lieu of the assignee-defendant; in the federal courts; and all redress against said assignor has been refused under color state statute especially CCP 418.10 and equal protection thereby denied. All interpleader has been designed to prevent such multiply vexatious actions brought regardless of merit to defeat Appellant where loss of one suit forever prevents redress without trial; and has so injured Appellant by increasing the difficulty he has had in defending himself. The aid of the United States has been sought and denied for needed expertise and assistance in feact the Courts of United States have aided and abetted in conspiracy to defeat Appellant as he in. The acts alleged will impair the rights of Appellant litigant to prevent prejudice to hi civil rights or of those similarly situated.

STATEMENT OF THE CASE

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This action has denied redress, injunction, interpleader, or vacation of judgment, consolidation all of which have caused the excusable mistake which has caused the dismissal of the case for deciding; in error, that the docket fee was not paid and would have not have been possible if court had not decided in abuse of discretion and excess of jurisdiction. Further does service with Saudi Arabia as provided in Sec 573 of 90 USC provide for rights in vacation and is overseas duty where no banking for money orders and two week delay in mail service deny equal right to a fair trial as herein.

CONCLUSION

For all these reasons this case should be reviewed on the merits.

May 21, 1981

LYLE H. PRENZLER PRO SE
715 E Chapman Ave
Orange CA 92666
714 639 1701

VERIFICATION

I declare under penalty perjury that I am the Appellant and believe the hereinabove to be truthful, to my knowlege, belief, or cONTENTION.

May 21, 1981

LYLE H. PRENZLER.

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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

LYLE H. PRENZLER

PETITIONER

V.

~~CONRAD J. KALINAN~~ R.K.S. M.P.K. et al

~~ET UX~~.,

MOTION TO PROCEED IN FORMA PAUPERIS

The petitioner, LYLE H. PRENZLER, asks leave to file the attached appeal without prepayment of costs and to proceed in forma paupe is. Petitioner has previously been leave to so proceed in both the U.S. District Court and U.S. Court of Appeals. Petitioner's affidavit fo support this motion is attached hereto.

A F F I D A V I T

I, LYLE H. PRENZLER, being first duly sworn according to law, depose and say that I am the petitioner in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefore, I state that because of my poverty I am unable to pay the costs of said case to give securty therefore; and that I believe I am entitled to redress.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of proceeding in this Court are true.

1. I have received from my profession $19,000 gross income, 1980
2. I have owing as a result of judgments in this case and others on same liabilities a net difference of $300000.00 which is concerned in this appeal where there is a lack of jurisdiction of the federal courts.
3. I have a checking account of about $1000.00 at this time.
4. I own no real estate, stocks, bonds, notes, except those involved in this same suit, which because of the same hereinabove judgments are worthless in my opinion.
5. My wife and two minor children are dependent on me for all necessities of life and I am in Pro Se because of indigence.

I understand that these statements are made under penalty perjury.

SUBSCRIBED & SWORN BEFORE ME 4th June 1981 LYLE H. PRENZLER

OFFICIAL SEAL
J. BEAVER
NOTARY PUBLIC
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires November 12, 1983

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

No.

LYLE H. PRENZLER,

Plaintiff-Appellant,

vs.

R. KEITH PIKE, ET AL.,

Defendant-Appellee.

STATE CALIFORNIA)
) SS.
COMTY ORANGE)

MOTION TO PROCEED FORMA PAUPERIS. Lyle H. Prenzler, hereby motions to proceed in Forma Pauperis and supports said motion under 28 USC 1915(a-e) by attached affidavit.

May 21, 1981

LYLE H. PRENZLER PRO SE

A F F I D A V I T

I, Lyle H. Prenzler, being duly sworn, depose and say:

I am the appellant in above entitled action and supp rt my applicatio to proceed without being required to prepay costs or fees state:

1. I am a pauper, wholly because of this and ancillary actions; and the necessity of time and attention to defend myself many times for actions regardless of merit, and I have been denied consolidation and interpleader rights, and equable venue and redress.

2. I believe I am entitled to redress and my cause meritorious.

3. The nature of the cause; in brief, is a procedural error compounded by denial of consolidation, injunction, interpleader, in which no credit has been given for payment of docket fees and case dismissed; when by allowing said rights, would have avoided unnecessary costs, delay and error. I deny that I have any liability in any of the actions involving the same causes of law and fact.

May 21, 1981

LYLE H. PRENZLER

MY COMMISSION EXPIRES: 10/23/84

OFFICIAL SEAL
DOROTHY M. BANTA
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Exp. Oct. 23, 1984

NOTARY PUBLIC

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FILED

APR 22 1981

RICHARD H. DEANE
CLERK U.S. COURT OF APPEALS

DOCKETED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LYLE H. PRENZLER,

Plaintiff-Appellant,

-vs-

R. KEITH PIKE, JOSEPHINE PIKE, KARL MENATH, MARGUERITE MENATH, husbands and wives,

Defendants-Appellees.

CA No. 80-5760

DC No.CV 79-2232-LEW (Sx)
Central California

O R D E R

A review of the file in the above captioned case has revealed that the appellant has failed to perfect the appeal as prescribed by the Federal Rules of Appellate Procedure.

Pursuant to Rule 19(b) of the Rules of the Ninth Circuit, this appeal is dismissed for failure to comply with the rules requiring processing the appeal to hearing.

A certified copy of this order to the district court shall constitute the mandate.

FOR THE COURT:

Richard H. Deane
Clerk of Court

BY: Geraldine Curtis
Geraldine Curtis
Deputy Clerk

CA9-039 (10/14/80)

LYLE H. PRENZLER
735 East Chapman Avenue
Orange CA 92666
714 639 1701

RECEIVED
RICHARD H. DEASE
CLERK, U.S. COURT OF APPEALS

MAY 4 1981

FILED
DOCKETED
DATE INITIAL

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LYLE H. PRENZLER, Plaintiff-Appellant, vs. R. KEITH PIKE, ET AL., Defendant-Appellees.	CA NO. 80-5760 DC No. CV 79-2237 HW S(x) Central California NOTICE OF APPEAL

Lyle H. Prenzler, Notices Appeal of the ORDER of April 22, 1981 in the above cause to the United States Supreme Court for denial of injunctive relief, error, excusable mistake, void order, denial of interpleader rights, and consolidation.

May 21, 1981

LYLE H. PRENZLER PRO SE

COPIES DO NOT NEED TO BE MAILED TO ADVERSE PARTIES WHO HAVE NOT BEEN SERVED OR APPEARED.

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 9 1981

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

LYLE H. PRENZLER,

Plaintiff/Appellant,

vs.

R. KEITH PIKE, JOSEPHINE PIKE, KARL MENATH, MARGUERITE MENATH, husbands and wives,

Defendants/Appellees.

No. 80-5760

D.C. #CV79-2232 LEW
CENTRAL CALIFORNIA

ORDER

Before: WALLACE and FLETCHER, Circuit Judges

Upon due consideration, appellant's petition to proceed in forma pauperis is denied. If appellant fails to pay in the district court the docket fee for this appeal within twenty-eight (28) days of the date of entry of this order, the Clerk shall dismiss this appeal pursuant to Local Rule 19(b). No petitions for reconsideration of this order will be considered by the court.

Mo Cal 2/23/81

LYLE H. PRENZLER
715 East Chapman Avenue
Orange Ca 92000
714 639 1701

Jul 9 12 04 PM '80

UNITED STATES DISTRICT COURT CENTRAL DISTRICT CALIFORNIA

LYLE H. PRENZLER,

Plaintiff

vs.

R. KEITH PIKE, ET AL.,

Defendants.

No. CV 79-2232-LEW

OBJECTION TO DISMISSAL

July 28 1980
1:30 PM

Lyle H. Prenzler, plaintiff herein, objects to order to show cause why complaint should not be dismissed and herein shows cause, and will try to appear at calling of Law and Motion calendar of this Court on July 28, 1980 at 1:30PM, and supports said objection and show cause with check 223 California Bank dated June 28, 1979 which was for filing fee on Pike Whitney, Complaint of which within one action and copy letter of U.S. Marshal June 19, 1979 and of clerk of this Court of July 19 1979 and April 24, 1980.

AFFIDAVIT IN SUPPORT OF OBJECTION

State California
SS
County Orange

Lyle H. Prenzler, being duly sworn deposes and says that I have filedto appear in forma pauperis in above action, and have prepaid fees to this court which have not been returned of over $500.00; and prepaid marshal's service by $300.00 for which I have not

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received credit; and that I have been refused service of process in these cases and procedural due process for payment of said fees and that the statutes, Acts of Congress and United States Constitution cited in the pleadings under Jurisdiction permit service of process in this action, and ancillary actions upon which amendment is prayed for interpleader and multi-district litigation and appeals which are now pending and stay herein is prayed for. Consolidation is prayed for. I believe and state a dismissal would be a decision against me.

July 7, 1980

LYLE H. TRITZLER

NOTARY PUBLIC Dorothy M. Banta

MY COMMISSION EXPIRES 10-3-1980

COPIES MAILED TODAY, JULY 7, 1980 TO

NO ADVERSE PARTIES HAVE ANSWERED

OFFICIAL SEAL
DOROTHY M. BANTA
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
[illegible] COUNTY
My Commission Expires OCT 3, 1980

LYLE H. TRITZLER

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

U.S. Courthouse, Rm. G-8
Los Angeles, California 90012

Edward M. Kritzman
Clerk

Leonard A. Brennan
Chief Deputy

July 9, 1979

Lyle H. Prenzler
Northrop Peacehawk
Box 113, APO 09616
New York, N.Y.

Dear Mr. Prenzler

Enclosed please find all your correspondence last received by this office.

I have enclosed your check #215, as this office does not accept personal checks from anyone. You must obtain a cashier's check or money order to submit with your complaint.

I have also enclosed our form Civ 60 "Declaration in support of request to proceed in forma pauperis", as the motions you previously submitted do not have any documents in support of them. If you wish to proceed in forma pauperis, complete one original plus one copy of form Civ 60 to submit with each complaint you are filing.

Very truly yours,

EDWARD M. KRITZMAN,
Clerk

By _____
Nancy J. Miller
Deputy Clerk

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

U.S. Courthouse, Rm. G-8
Los Angeles, California 90012

Edward M. Kritzman
Clerk

Leonard A. Brosnan
Chief Deputy

June 19, 1979

Lyle H. Prenzler
Northrop Peacehawk
Box 113, APO 09616
New York

Dear Mr. Prenzler;

Your three complaints were filed June 15, 1979. This office does not accept personal checks. We are returning your checks to you. By June 26, 1979 you must submit the $45.00 either by a money order or by cashier's check. If the money is not received by this office by June 26, 1979 all three complaints will be submitted to the Chief Judge for dismissal for failure to pay the filing fee and for failure to submit properly prepared Civil Cover Sheets.

Also enclosed are two copies of our Civil Cover Sheet which you did not submit with one of your complaints. Please complete both copies, sign the original and return them with the filing fees for all three complaints.

The conformed copies of your complaints and summons were sent to the U.S. Marshal for service with your $21.00 check.

Very truly yours,

EDWARD M. KRITZMAN, CLERK
U.S. DISTRICT COURT

Corey McNeilly

By Corey McNeilly
Deputy Clerk

LYLE M. PRENZLER, M.D.
715 E. CHAPMAN
ORANGE, CALIFORNIA 92666
PHONE (714) 633-7511

UNITED STATES COURT OF APPEALS
CHIEF JUSTICE
7th at Mission STS.
San Francisco, CA 94101

RE: PAYMENT THIS CASE OC LA 78-3702; 9TH 80-5254
LA 79-2014 9th8505255PHX 74-307; 9TH 80-5227
This case was paid for appeal to District Court check 262, 4 20 80 for $70.00, receipted by the Court 4 29 80 and for the same appeal to Court of Appeals by Money Order Golden State Bank no. 16 8590804 for $70.00 for same appeal which was dismissed as frivolous pursuant to Rules of this Court rule 39, 39 and 12 and Fletcher v. Young CA9(1953) 202 F2d 222, for failure to pay filing fees on appeal. May I have refund of these moneys. Further in case 78-37 and 78-148 PHX appeal filed denied for failure of filing fee when were $420 on deposit in this Court for filing fees all of which have been denied in subsequent rulings in case 74-307 PHX and 79-2013 LA; by check 251 dated 1 3 80 to Court of Appeals 9th for $70.00 and Money Order Golden State Bank 16 8590804 dated April 22, 1980 to Court of Appeals Ninth same appeal 9th No. 80-5227. Further and this case dismissedwithout noting payment fees. Case 80-5255 Ninth dismissed for failure to pay filing fees May 23, 1980 when in fact check 252 for $70.00 4 10 80 receipted by District Court LA 792014 on 4 17 80 for $70.00 and same appeal paid by Money Order Golden State Bank 16 8590865 422 for $70.00. All above checks and Money Orders have been paid and receipted by endorsement by the Courts. A letter in regard to this error to the 9th Court of Appeals, the District Court PHX and LA on April 24, 1980.

May I have your reply.

Signed: _____
LYLE M. PRENZLER, M.D.

DATED: June 17, 1980

CC: US District Court PHX
" LA

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

U.S. Courthouse, Rm. G-8
Los Angeles, California 90012

Edward M. Kritzman
Clerk

Leonard A. Grosman
Chief Deputy

June 19, 1979

Lyle H. Prenzler
Northrop Peacehawk
Box 113, APO 09616
New York

Dear Mr. Prenzler;

Your three complaints were filed June 15, 1979. This office does not accept personal checks. We are returning your checks to you. By June 26, 1979 you must submit the $45.00 either by a money order or by cashier's check. If the money is not received by this office by June 26, 1979 all three complaints will be submitted to the Chief Judge for dismissal for failure to pay the filing fee and for failure to submit properly prepared Civil Cover Sheets.

Also enclosed are two copies of our Civil Cover Sheet which you did not submit with one of your complaints. Please complete both copies, sign the original and return them with the filing fees for all three complaints.

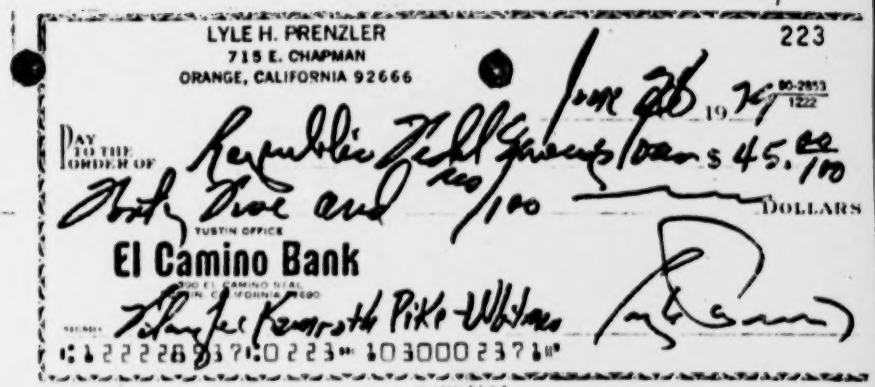
The conformed copies of your complaints and summons were sent to the U.S. Marshal for service with your $21.00 check.

Very truly yours,

EDWARD M. KRITZMAN, CLERK
U.S. DISTRICT COURT

Corey McNeilly

By Corey McNeilly
Deputy Clerk


LYLE H. PRENZLER
715 E. CHAPMAN
ORANGE, CALIFORNIA 92666

223

June 28 19 79 80-2853 1222

PAY TO THE ORDER OF Republic Fed Savings Loan $ 45.00/100

Forty five and 00/100 DOLLARS

TUSTIN OFFICE
El Camino Bank
300 EL CAMINO REAL
TUSTIN, CALIFORNIA 92680

Plaintiff Kenneth Pike-Whitaker

⑆122282370⑆ 0223 ⑈ 103000237⑈

REPUBLIC FEDERAL SAVINGS AND LOAN

17th STREET AT TUSTIN AVENUE

SANTA ANA CALIFORNIA 92703

RE: CASHIERS CHECK FOR $45.00 PAYABLE TO U.S. DISTRICT COURT CENTRAL DISTRICT CALIFORNIA, CASE NO. 79-02232; 79-02241 and one other not identified;

Please send to the above Court at 312 N. Spring Street, Los Angeles, California 90012, a check as above described, with proper identification, made out to the Court; send a copy to the Court of the enclosed letter.

Please send me a copy of the above described check at below address.

Enclosed find check made out to REpublic Federal Savings for $45.00.

dated; June 28, 1979

SIGNED: LYLE H. PRENZLER

ADDRESS: NORTHROP PEACEHAWK
BOX 113 APO 09616
NEW YORK

TELEPHONE: 01196363144515131

Preferably send 3 Checks $15

each Dol. No- 79-02232 LEW(SX) Pike

2. ~~79-02241-LEW(SX)~~ Kenneth

CIVIL

UNITED STATES DISTRICT COURT
312 NORTH SPRING STREET
LOS ANGELES, CALIFORNIA 90012

RE: LAWSUIT INCLUDED COMPLAINT FOR DAMAGES, R. KEITH PIKE ET AL.

PLEASE FILE THE ABOVE NAMED SUIT WHICH I DEMAND AS STATUTE OF LIMITATIONS IS RUNNING. ENCLOSED FIND CHECK FOR $15.00, NO CASHIER'S CHECKS, MONEY ORDERS, OR OTHER AVAILABLE IN THIS AREA, NOR IS A NOTARY AVAILABLE IN THIS AREA, AND I HAVE REPEATEDLY REQUESTED TOP SHEETS, FORMS FOR MARSHAL'S SERVICE, AND SUMMONSES FOR THE PAST MONTH WITHOUT A RESPONSE FROM YOU. I ALSO ENCLOSE A CHECK FOR MARSHAL'S SERVICE, CHECK FOR $20.00, AS I HAVE A CONSIDERABLE BALANCE IN THAT OFFICE WHICH HAS NOT BEEN ACCOUNTED FOR, ALTHOUGH REQUESTED ON SOME 5 OCCASIONS. ON SECOND THOUGH I WILL NOT ENCLOSE SUCH CHECK AND LET THEM REQUEST THE AMOUNT FROM PL, AND THEREFORE ENCLSOF ONLY $15.00 FOR FILING FEE. THE ADDRESS OF EACH OF THE DEFENDANTS IS 500 EAST COUNTRY CLUB DRIVE, YUMA, ARIZONA 85364.

THANKING YOU FOR LOTS OF PAST FAVORS,

DATED June 2, 1979

SIGNED: LYLE H. FIEHTLER.

ADDRESS: OPERATION NORTHROP PEACEHAWK
BOX 113 APO 09616 New York

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